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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/370,935 08/09/99 SERETTI

H 990809

EXAMINER
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TM01/0223

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RETTA, Y	
ART UNIT	PAPER NUMBER

2162

DATE MAILED:

02/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/370,935

Applicant(s)  
Seretti et al.

Examiner  
Yehdega Retta

Group Art Unit  
2162



☒ Responsive to communication(s) filed on Dec 19, 2000

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1, 2, 5-8, 10, 12, 13, and 17-30 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, 5-8, 10, 12, 13, and 17-30 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to amendment filed 19 December 2000.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 2, 5-8, 10, 12, 13, 17-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The term "within a time period during which the prospective customer remains at the dealership" in claim 30 is a relative term which renders the claim indefinite. The term "within a time period" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is not clear how long the prospective customer remains at the dealership. Applicant's specification discloses a timer to set a predetermined time period, which can be any time desired by a skilled artisan.

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*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 5-8, 10, 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli U.S. Patent No. 5,758,328, in view of Berent et al. U.S. Patent No. 5,774,873.

7. As per claims 1, 22-26, 28 and 29, Giovannoli teach a plurality of computer terminals, each including an input device for inputting characteristics and financial data, each of the commuter terminals operative to transmit to each other and receive from one another both the characteristics data units and the financial data units for display on respective display devices (see fig. 1 and col. 1 line 42 to col. 2 line 67)); a processor for controlling the vehicular data inputted into any selected one of terminal and transmitted to plurality of other terminals for display (see column 6 lines 1-56); a processor in communication with the plurality of computer terminals for controlling the data inputted at any time into any selected one of the computer terminal and transmitted immediately thereafter for display to remaining ones of the terminal for display on respective ones of the display devices associated with said remaining ones of said

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computer terminals, and financial data are inputted into at least a responding one of said remaining ones are transmitted to the selected one computer terminal for display on the display device associated with the selected one, (see col. 2 lines 35-67 and col. 3 lines 1-20).

Giovannoli teaches entering products or services characteristics and financial data, however he does not explicitly disclose vehicular characteristic and financial data, it is disclosed in Berent et al. (see col. 6 lines 27-33). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the teachings of Giovannoli' computerized quotation and Berent et al. vehicular auction information system in order to sell or buy vehicle using direct quota system. One would have been motivated to minimize the time consuming task of maintaining and updating a central database as taught by Giovannoli. Giovannoli also teaches characteristics data and financial data units inputted by human operator.

Applicant argues that Giovannoli does not teach or suggest that each of the computer terminals has a display device for visually displaying the vehicular data inputting into its computers, particularly the system central computer. Applicant argues that there is no teaching or suggestion that the system central computer has a display device that displays inputted vehicular characteristics data units or vehicular financial data units. Applicant might be correct, however none of the claims recites where the processor (central) has a display device that displays the inputted data as argued by Applicant. Applicant's specification does not disclose such feature. As claimed and as disclosed by the specification the processor controls the data that is inputted into the computer terminals, which are different from the processor. According

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to Applicant's specification the processor is not considered one of the computer terminals for inputting data.

8. Regarding claim 2, Giovannoli teaches choosing specific ones of said remaining ones of said plurality of computer terminals to which the characteristics data units are transmitted (see abstract). For vehicle characteristics data see the rejection of claim 1.

9. As per claims 5-8 and 10, Giovannoli teaches entering products or services characteristic data, and identifying a source of financial data units transmitted, however does not explicitly show vehicular characteristics and financial data units include a make, a model and a year and description of the vehicle, wherein the description includes at least one of the body type, color, mileage and general condition of the vehicle vehicular financial data units of the vehicle include at least one of a bid price amount, an assessment price amount, a wholesale price amount, and a retail price amount, it is disclosed in Berent (see col. 6 line 27-33 and col. 9 lines 1-37). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine Giovannoli's direct quotation system with Berent's vehicle characteristic and financial data for the purpose of selling vehicles.

10. Regarding claims 12 and 13, Giovannoli teaches providing at least three computer terminals, each of the at least three computer terminals having a display device, the at least three computer terminals operative to transmit to each other and receive from one another the product or service data for display on respective display devices; selecting any one of the at least three computer terminals as a data inquiring computer terminal; deeming the remaining ones of the at

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least three computer terminals as data responsive computer terminals (see fig. 1); inputting characteristics data units at any time into the data inquiring terminal for display on its display device; processing the data units immediately after inputting the characteristics data units by transmitting the data units to the data responsive terminals for display; inputting the financial data units into at least one of the data responsive terminals for display device in response to the characteristic data received by the data responsive terminals; and transmitting the financial data units immediately after inputting the financial data units to the inquiring terminal for display (see col. 3 line 55 to col. 4 line 50). Giovannoli teaches processing requests for quotation for goods and services, however does not state inputting vehicular characteristics and financial data, it is stated in Berent et al. (see figure 1 and column 6 lines 27-33 and column 9 lines 40-50). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Berent et al. vehicular auction information system into Giovannoli's quotation system for the purpose of selling vehicles.

11. Regarding claims 17-20, Giovannoli teaches entering characteristics data units, financial data of a product, and the source of each data responsive terminal (buyer or seller identification (code)) (see fig. 7), however, does not specifically state vehicular characteristics including a make, model, year of the vehicle, description of the vehicle and financial data of a vehicle, it is disclosed in Berent et al. (see col. 6 lines 27-52 and col. 9 lines 40-50). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the

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teachings of Berent et al. vehicular auction information system into Giovannoli's quotation system for the purpose of selling vehicles.

12. As per claims 21 and 27 Berent disclose interactive bidding between motor vehicle dealers (see col. 1 lines 5-50). It would be obvious to one of ordinary skill in the art at the time of applicant's invention to combine Berent's and Giovannoli's invention in order to allow dealers to participate in the bidding.

13. Regarding claim 30, Giovannoli teaches a plurality of computer terminals operative to transmit and receive data so that plurality of users are capable of transmitting to each other and receiving from one another both the characteristics data units and financial data units (see col. 5 line 9 to col. 6 line 11 and col. 7 lines 53-67). Giovannoli teaches dealership users capable of receiving both characteristics and financial data of products and services, however does not explicitly teach vehicular characteristics or financial data being received vehicle dealership user, it is disclosed in Berent (see col. 2 lines 1-10, col. 6 lines 15-45 and col. 9 lines 20-61). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Berent et al. vehicular auction information system into Giovannoli's quotation system for the purpose of selling vehicles. In both systems of Giovannoli and Berent, the dealership users are capable of exchanging data within any time period. It does not change the functionality of the system whether the prospective customer remains at the dealership or not.



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*Conclusion*

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

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(703) 308-5397, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Yehdega Retta  
Art Unit 2162  
February 20, 2001